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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,101	03/01/1999	REINHARD KNITL	P98.3211	6476

29177 7590 04/18/2002

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EXAMINER

HOOSAIN, ALLAN

ART UNIT PAPER NUMBER

2645

DATE MAILED: 04/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/254,101

Applicant(s)

KNITL ET AL.

Examiner

Allan Hoosain

Art Unit

2645

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 April 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Response to Remarks below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 19-35

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Allan Hoosain
Allan Hoosain
Primary Examiner
Art Unit: 2645

Response to Remarks

(a) Nowhere does McCalmont disclose or suggest the step of influencing the voice response unit by a communication terminal equipment of the caller wherein the voice response unit communicates a request for reserving an available one of the agents.

Examiner respectfully disagrees. In the 11/29/01 Office Action, Examiner cited McCalmont's Col. 10, lines 27-30 as teaching the influencing and reserving. The passage teaches the following:

"the ACD may also forward the call to the VRU to provide the caller with menu options for selecting the appropriate customer service group, obtaining caller identifier data and the like"

This passage teaches a caller connected to a VRU and where a caller selects a customer service group. The selection of a customer service group by a caller is equivalent to the claimed influencing and reserving. This is because the disclosure at Page 9, lines 22-26 teaches the following:

"in order to obtain the involvement of an agent or, respectively, of an automatic call distribution function, for example, the IVR system IVR is informed by the communication terminal equipment by a specific keyboard input - for example, the numeral 20 - that an agent is to be involved for information that the interactive voice response system cannot supply."

Comparing the above quotes from McCalmont and the disclosure, it can be seen that the claimed influencing and reserving is a selection by a caller to be connected to an agent. Furthermore, McCalmont at Col. 10, lines 31-33 teaches the ACD forwarding received VRU data and suggests that the VRU data was forwarded to the ACD from the VRU. McCalmont Col. 10, lines 40-43 teaches the selection of an available agent and Col. 10, lines 54-67 teaches connection of a caller to the selected agent.

(b) A call in the disclosure is connected directly to the VRU whereas in McCalmont a call is connected to an ACD.

Examiner respectfully disagrees. McCalmont teaches that calls are forwarded from the ACD to the VRU (Col. 10, lines 27-30). This passage suggests that the calls are directly connected to the VRU. The disclosure is silent on how a received call is connected to the VRU. The disclosure only teaches that it is assumed that a communication terminal equipment sets up a connection to the VRU (Page 9, lines 12-13). One can only infer from the background section of the disclosure that the set up is via the ACD system (see Page 3-7). Therefore, in the disclosure, calls are connected to the VRU via switching equipment in much the same way as calls in McCalmont are forwarded to VRUs.

(c) McCalmont uses the ACD to reserve an agent and in the disclosure, the VRU communicates the reservation request.

Examiner respectfully disagrees. This is because McCalmont suggests that VRU data is forwarded to the ACD for connection to an agent (see Examiner's response in (a) above). The VRU data is forwarded by the ACD to a telephony server for selection of an agent (Col. 10, lines 31-43). This passage suggests the forwarding of VRU data to the ACD. In the disclosure, the VRU communicates requests to the ACD which in turn selects an agent (Page 9, line 27 through Page 10, line 1 and 24-27).

(d) McCalmont does not suggest transferring a call from the VRU to an agent via the switching equipment.

Examiner respectfully disagrees. This is because McCalmont suggests that callers are connected to VRUs, collect callers agent selections, forwards the selections to the ACD for connection to the agents (Col. 10, lines 27-33 and 59-60).

(e) McCalmont does not reserve an available agent because an incoming call is queued as taught at Col. 10, lines 25-27.

Examiner respectfully disagrees for the same reasons given in (a) above. In addition, the queueing of calls implies a reservation request because a caller chooses to wait for a connection. The cited passage teaches calls that are directly answered by the ACD. As taught at Col. 10, lines 27-30, the ACD may also forward calls to VRUs to obtain callers selections for agents (reservation requests).